

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Thomas Sullivan, # 270534,)	C/A No.:8:08-cv-1088-GRA
)	
Petitioner,)	
)	
v.)	ORDER
)	(Written Opinion)
SCDC Director Jon Ozmint, and Warden)	
of Tyger River Correctional Institution,)	
)	
Respondents.)	
_____)	

This matter comes before the Court on the petitioner's motion for an extension of time file objections to the magistrate's Report and Recommendation. Petitioner seeks an extension of time to file objections because, during the original 10 day period for objections, the Petitioner's jail was on lock down. Needless to say, Petitioner did not have access to the law library during the period his prison was in lock down.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Therefore, this Court will liberally construe any pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Rule 6(b) of the Federal Rules of Civil Procedure states in relevant part: "When an act may or must be done within a specified time, the court may, for good cause

shown, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect.” For no fault of his own the petitioner was restricted from using his prison’s law library. Considering this, the Court finds that the defendant has shown good cause for the extension and excusable neglect for his failure to act. Therefore, this Court grants the petitioner a 10 day extension to file objections with this Court.

IT IS THEREFORE SO ORDERED THAT the petitioner have an additional 10 days, from the date of the entry of this Order, to file objections to the magistrate’s Report and Recommendation.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

May 1, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**